

## **REMARKS**

This application has been reviewed in light of the Office Action mailed January 3, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 11, 13, 14 and 16 are pending in the application with Claims 1, 13 and 16 being in independent form. By the present amendment, Claims 1, 13 and 16 are amended.

Support for the features recited in the amended claims can be found throughout the specification. For example, please refer to page 12, line 23 – page 13, line 8, and page 14, line 2 – 9. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

### **I. Rejection of Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 Under 35 U.S.C. § 103(a)**

Claims 1 – 3, 5, 6, 8, 9, 11, 13, 14 and 16 are rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,911,916 issued to Wang et al. in view of U.S. Patent No. 6,278,975 issued to Brant et al.

Wang discloses a voice control system for controlling various surgical devices, including electro-cautery and insufflator devices. However, Wang et al. fails to teach issuing an audible verification request when an instruction is received that is predetermined to require verification prior to execution. (See: Applicant's FIG. 4 and 5; and page 12, lines 11 – 22).

Addressing the lack of audible verification requests in Wang, the present Office Action asserts that Brant discloses identifying a verbal command. Once the verbal command is identified as valid, an audio confirmation message is issued unless the command is a status request. The issued confirmation message requests acknowledgement of the verbal command before the apparatus executes the command. (See: col. 7, line 54 – col. 8, line 2).

Moreover, the present Office Action cites col. 5, lines 27 and 32 – 33 as teaching Applicant's recited comparison data storing means, which hierarchically prestores comparison data to identify the hierarchy in execution of the instruction.

However, Wang and Brant fail to properly disclose or suggest hierarchically prestoring comparison data or command character trains, as recited in Applicant's Claim 1, 13 and 16. Specifically, Wang teaches storing language models of each device on the VCI of the respective controller to which the device is connected. Wang and Brant do not disclose how the command character trains are stored in the VCI, thus an assumption is being made in the present Office Action that the command character trains are stored hierarchically based on speculation and hindsight, rather than any disclosure or suggestion in the cited references.

It should be noted that the individual command character trains are hierachized in the present invention as claimed, not the entire language model. Thus, the fact that an entire language model of a device is stored on a slave controller to which the device is connected rather than on a master controller to which the slave controller is connected is irrelevant with respect to the features recited in Applicant's Claims 1, 13 and 16, because the command character trains are not disclosed or suggested to be hierachized within the language model of the device.

For an example of what is meant by hierachized command character trains refer to Applicant's Table 1 and accompanying text, wherein the hierarchal nature of the command character train is shown and discussed. Specifically, taking for example the electric cautery device, the command character tree hierarchy has at its root the device "electric cautery". The command character train branches then to a set of functions, i.e. "output system", "incision model", "output for incision", "clotting mode", and "output for clotting". Each of these functions in turn branch out to various operations applicable to the respective function. Thus, "monopolar"

and “bipolar” are the operations allowed for function “output system” of device “electric cautery”, for example. Using this hierarchal command character train greatly reduces misidentification of voiced commands by the present invention.

## **II. Rejection of Claims 4, 7 and 10 Under 35 U.S.C. § 103(a)**

Claim 4 is rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly obvious over Wang et al. in view of Brant et al. and further in view of U.S. Publication No. 2003/0139789 (hereinafter, “Tvinneriem”). Claims 7 and 10 are rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly obvious over Wang et al. in view of Brant et al. and further in view of U.S. Patent No. 6,402,714 issued to Kraft-Kivikoski.

Neither Tvinneriem nor Kraft-Kivikoski disclose or suggest voice control of medical operating devices. Therefore, Tvinneriem and Kraft-Kivikoski fail to overcome the above-identified deficiencies in Wang and Brant as they relate to the hierarchal nature of the stored command character train and comparison data. Consequently, Wang, Brant, Tvinneriem and Kraft-Kivikoski, taken alone or in any proper combination, fail to disclose or suggest Applicant’s independent Claims 1 and 13, from which Claims 4, 7 and 10 depend.

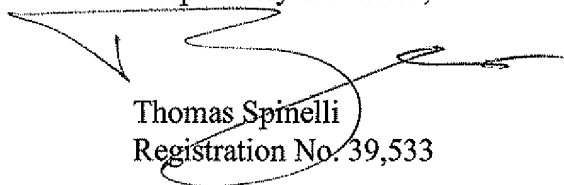
Therefore, Claims 4, 7 and 10 are believed to be allowable over the cited prior art references for at least the reasons provided above with regards to Claim 1 from which Claims 4, 7 and 10 depend. Accordingly Applicant respectfully requests withdrawal of the rejections with respect to Claim 4 under 35 U.S.C. § 103(a) over Wang et al. in view of Tvinnereim et al.; and Claims 7 and 10 under 35 U.S.C. § 103(a) over Wang et al. in view of Kraft-Kivikoski.

## CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 11, 13, 14 and 16 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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